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PATENT
0546-1082

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Steve HEALD et al.

Conf. 4057

Application No. 10/550,945
PCT/GB04/01394

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PREPARATION OF VANILLIN FROM MICROBIAL
TRANSFORMATION MEDIA BY EXTRACTION BY
MEANS SUPERCRITICAL FLUIDS OR GASES

RENEWED PETITION UNDER 37 CFR §1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 5, 2007

Sir:

This replies to the Decision dated January 3, 2007.

In that Decision, status under 37 CFR 1.47(a) was temporarily dismissed without prejudice, as the PCT Attorney Advisor held that there was insufficient evidence of co-inventor Tim WALFORD's refusal to execute the application papers. Specifically, in the paragraph bridging pages 3 and 4 of the Decision, the Attorney Advisor found that the letter from the French Post Office employee merely stated that the mail was delivered to the address listed. However, there was no receipt

signature or statement that it was in fact delivered to Mr. WALFORD. The Attorney Advisor suggested that Mr. WALFORD may not even live at the address in question from the evidence presented. The Attorney Advisor kindly recommended that an attempt be made to contact Mr. WALFORD by telephone, or mail, to verify that the complete application papers were in fact received, and if possible, determine whether Mr. WALFORD intends to execute the same.

Accordingly, accompanying this Renewed Petition, there is submitted a further Declaration of Ms. Lorette SAINT-CRICQ, the Chief Administrator of the French law firm Cabinet Philippe Kohn.

Ms. SAINT-CRICQ declares that further to her previous declaration, wherein she had stated that she had received written confirmation from the French Post Office informing her that her June 21, 2006 registered letter to Mr. Tim WALFORD had been delivered, she telephoned the French Post Office. The person answering the telephone indicated that if Mr. Tim WALFORD had moved from the address where the registered letter had been sent, it would not have been delivered to anybody else, and would have been returned to her.

Ms. SAINT-CRICQ again reiterates that if she has not obtained an acknowledgement of receipt from Mr. Tim WALFORD, it is because for national registered mail, the British Post Office never returns such acknowledgement of receipts as they may be

seen by computer. Moreover, it is doubtful that the British Post Office ever returns such acknowledgement of receipts to senders located in a foreign country.

Ms. SAINT-CRICQ declares that she obtained the telephone number of Mr. WALFORD's place of business by Mr. Rene MISRAHI, who is a representative of the current assignee, and who had first tried calling Mr. WALFORD's employer to check Mr. WALFORD's employment status. Ms. SAINT-CRICQ attempted to contact Mr. WALFORD on January 22 and January 23 by telephone, but he apparently was never in his office. Ms. SAINT-CRICQ obtained his business e-mail address from the receptionist, and sent him an e-mail on January 24, 2007. A copy of such e-mail is attached to Ms. SAINT-CRICQ's declaration. Ms. SAINT-CRICQ received an automatic acknowledgement of such e-mail on the same day, and a copy of such acknowledgement is also attached to her declaration. To date, Ms. SAINT-CRICQ has yet to receive any reply from Mr. WALFORD.

Ms. SAINT-CRICQ then contacted Mr. WALFORD's employer, in order to obtain their complete address, and declares that the same is: MUREX BIOTECH LTD., Central Road, Dartford, DA 15LR Kent, United Kingdom.

Ms. SAINT-CRICQ declares that she sent a reminder e-mail to Mr. WALFORD on January 31, 2007 for which she received an acknowledgement of receipt on the same day. Copies of the

reminder e-mail and the acknowledgement of receipt are attached to her declaration.

However, to date, Ms. SAINT-CRICQ has yet to receive an answer from Mr. WALFORD, and it is readily apparent that Mr. WALFORD definitely refuses to execute the application papers.

Respectfully submitted,

YOUNG & THOMPSON



Benoît Castel, Reg. No. 35,041
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

BC/fb

AFFIDAVIT

I, Lorette SAINT-CRICQ, hereby declare that I am a French citizen. I am employed by the French law firm, CABINET PHILIPPE KOHN, in the capacity of Chief of Administrative Department, and have held that position since 1995.

Further to my previous affidavit where I stated that I received a letter from the French Post Office informing that the mail sent to Mr. Tim Walford had been delivered on June 21, 2006, I state that on January 11, 2007 I contacted again the French Post Office by telephone. The person from the Post Office told me that if Mr. Tim Walford had moved from his address where the letter had been sent, it would not have been delivered to anybody else and would have been returned to us.

If we have not obtained a signature from him, it is because, as a general matter, the British Post Office never returns the acknowledgement receipts to the senders. This is probably due to the fact that, for national registered mail, they do not need to return acknowledgement receipts because the receipt of letters can be seen by computer.

I have obtained the telephone number of Mr. Walford in his business place by Mr. Misrahi who firstly called the company to check if Mr. Walford was still working in the company. Then, I tried to contact him on January 22 and 23, 2007 but I could not talk to him on the telephone because he was never in his office. The lady I talked with on the telephone gave me his e-mail address in the company and I sent him an e-mail on January 24, 2007 (a copy of which is enclosed) and I received an automatic acknowledgement of this e-mail on the same day (a copy of which is also enclosed). On the present date, I have not received any reply from Mr. Walford.

I re-contacted the company to obtain their complete address which is MUREX BIOTECH LTD., Central Road, Dartford, DA15LR Kent, United-Kingdom.

I have sent a reminder e-mail to Mr. Walford on January 31, 2007 for which I received an acknowledgement of receipt on the same day (copies enclosed).

On this date, I have received no answer from Mr. Walford and it seems that Mr. Tim Walford does not want to reply to our request.

And I further declare that all statements made herein of my own knowledge are true and that all statements made of information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated February 13, 2007
Lorette SAINT-CRICQ
Chief of Administrative Dept.
CABINET PHILIPPE KOHN
30 rue Hoche
93500 Pantin
France



Cabinet Philippe KOHN

De : "Tim X Walford" <tim.walford@abbott.com>
À : "Cabinet Philippe KOHN" <kohn@compuserve.com>
Envoyé : mercredi 31 janvier 2007 17:01
Objet : B-1550-US

Return Receipt

Your B-1550-US
document:
was Tim X Walford/DARTFORD/ADD/ABBOTT
received
by:
at: 01/31/2007 16:01:35 GMT

Cabinet Philippe KOHN

De : "Cabinet Philippe KOHN" <kohn@compuserve.com>
À : "WALFORD" <tim.walford@abbott.com>
Envoyé : mercredi 31 janvier 2007 15:47
Objet : B-1550-US

Mr. Walford

Further to my previous mail, I would appreciate that you kindly confirm the receipt of our letter and its enclosures sent on June 2006.

Thanks and best regards

Lorette SAINT CRICQ

~~~~~  
Cabinet Philippe KOHN

30, rue Hoche

93500 Pantin

France

tel : (+33) 01 41 71 00 10

fax : (+33) 01 41 71 01 17

E-mail : [kohn@compuserve.com](mailto:kohn@compuserve.com)  
~~~~~

Cabinet Philippe KOHN

De : "Tim X Walford" <tim.walford@abbott.com>
À : "Cabinet Philippe KOHN" <kohn@compuserve.com>
Envoyé : mercredi 24 janvier 2007 17:07
Objet : Our file B-1550-US

Return Receipt

Your Our file B-1550-US
document:
was Tim X Walford/DARTFORD/ADD/ABBOTT
received
by:
at: 01/24/2007 16:07:25 GMT

25/01/2007

Cabinet Philippe KOHN

De : "Cabinet Philippe KOHN" <kohn@compuserve.com>
À : <tim.walford@abbott.com>
Envoyé : mercredi 24 janvier 2007 15:23
Objet : Our file B-1550-US

Dear Mr. Walford,

We are Patent Counsel in France and we have sent you a registered mail on June 2006 including some documents to be signed for the USA as you have been named inventor in an invention subject to a patent filed by ZYLEPSIS, patent which has been bought by our client for which we are acting.

You have never replied to our letter and returned to us the signed documents. We have been trying to contact you by telephone several times since yesterday but you were not in your office.

We would appreciate that you just confirm us by return message that you have received our letter and the enclosed documents. No other request will be asked.

Thanking you in advance for your cooperation.

Yours faithfully

Lorette SAINT-CRICQ

Assistant of Mr. Kohn

~~~~~  
Cabinet Philippe KOHN

30, rue Hoche

93500 Pantin

France

tel : (+33) 01 41 71 00 10

fax : (+33) 01 41 71 01 17

E-mail : [kohn@compuserve.com](mailto:kohn@compuserve.com)

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